



2007 SENATE BILL 317

November 9, 2007 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT** *to repeal* 15.157 (11) and 101.143 (8); and *to amend* 101.143 (6) (b) of
2 the statutes; **relating to:** eliminating the Petroleum Storage Environmental
3 Cleanup Council (suggested as remedial legislation by the Department of
4 Commerce).

Analysis by the Legislative Reference Bureau

This bill eliminates the Petroleum Storage Environmental Cleanup Council (council). Under current law, the council is required to advise the Department of Natural Resources and the Department of Commerce about the petroleum storage remedial action program, commonly known as PECFA.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes

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minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 15.157 (11) of the statutes is repealed.

NOTE: Repeals the statutory provision creating the petroleum storage environmental cleanup council. The repealed language provides as follows:

15.157 (11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of commerce a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretary of natural resources and the secretary of commerce, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of commerce. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, professional geologists, hydrologists and soil scientists and environmental scientists, consultants, contractors and engineers.

According to the Department of Commerce, the petroleum storage environmental cleanup council has not convened for several years. The department states that code committees, used on a continuing basis, have replaced the council's role and that stakeholders who previously participated as part of the council are now represented in the code committees, as well as additional stakeholders.

2 **SECTION 2.** 101.143 (6) (b) of the statutes is amended to read:

3 101.143 (6) (b) The department, ~~after consultation with the petroleum storage~~
4 ~~environmental cleanup council,~~ shall determine whether proof of financial
5 responsibility submitted under par. (a) satisfies par. (a).

NOTE: Deletes reference to the petroleum storage environmental cleanup council, reflecting the repeal of the council by this bill.

6 **SECTION 3.** 101.143 (8) of the statutes is repealed.

NOTE: Repeals statutory language setting forth duties of the petroleum storage environmental cleanup council, which is repealed by this bill. The repealed language provides as follows:

101.143 (8) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. The petroleum storage environmental cleanup council shall do all of the following:
(a) Advise the secretary on any rules which may be promulgated under this section.
(b) Review and advise the secretary and the secretary of natural resources on the implementation of the petroleum product remedial action program established under this section.